

## CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Michael Dever	Team: Team # 1	CCRB Case #: 200307711	<input type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input checked="" type="checkbox"/> Injury
Incident Date(s) Tuesday, 08/19/2003 10:00 PM	Location of Incident: C/O 119th Ave. & Sutphin Blvd.	Precinct: 113	18 Mo. SOL 2/19/2005	EO SOL 2/19/2005	
Date/Time CV Reported Wed, 10/01/2003 2:27 PM	CV Reported At: CCRB	How CV Reported: Mail	Date/Time Received at CCRB Wed, 10/01/2003 2:27 PM		

Complainant/Victim	Type	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. POF Rebecca Asman	19814	917252	113 PCT
2. SSA George Norris	02464	894235	113 PCT
3. POM Scott Carson	25682	915421	113 PCT
4. POM Donald Abrams	92890	921890	113 PCT

Officer(s)	Allegation	Investigator Recommendation
A.SSA George Norris	Abuse: Sergeant Norris supervised the questioning and stop of § 87(2)(b) and § 87(2)(b)	
B.SSA George Norris	Abuse: Sergeant George Norris frisked § 87(2)(b) and authorized the frisk of § 87(2)(b) and § 87(2)(b)	
C.POF Rebecca Asman	Abuse: Police Officer Rebecca Asman searched § 87(2)(b) and § 87(2)(b)	
D.SSA George Norris	Abuse: Sergeant Norris authorized the search of the vehicle in which § 87(2)(b) and § 87(2)(b) were occupants.	
E.POM Donald Abrams	Discourtesy: Police Officer Donald Abrams spoke obscenely and/or rudely to § 87(2)(b) inside the 113th Precinct Stationhouse.	
F.POM Scott Carson	Discourtesy: Police Officer Scott Carson spoke obscenely and/or rudely to § 87(2)(b) inside the 113th Precinct Stationhouse.	
§ 87(4-b) § 87(2)(g)		

## Synopsis

On 10-1-03, the CCRB received a Civilian Complaint Form from § 87(2)(b) in which he alleged that on 8-19-03, while he and two friends were sitting in a parked car, they were approached and questioned by police. Police Officer Rebecca Asman searched him and two other individuals as well as the vehicle they were in without probable cause. The search resulted in § 87(2)(b)'s arrest for § 87(2)(b).

§ 87(2)(b) reiterated the above allegations in his CCRB interview, and added that two different officers made discourteous remarks while strip-searching him in the precinct. § 87(2)(b) who was in the driver seat of the vehicle, was also interviewed. However, § 87(2)(b) could not be located. Officer Asman and Sergeant George Norris, with whom she was working, were both interviewed.

§ 87(2)(g)

§ 87(2)(g)

§ 87(4-b) § 87(2)(g)

§ 87(2)(g)

## Summary of Complaint

### Civilian Complaint Form–Complainant/Victim § 87(2)(b) (encl. # 4-4A)

§ 87(2)(b) is a § 87(2)(b) old black male. On the date he was interviewed by CCRB, he was incarcerated at the § 87(2)(b) of Rikers Island.

§ 87(2)(b) mailed a Civilian Complaint Form to the CCRB. It was postmarked on 9-16-03 and received on 10-1-03. Though § 87(2)(b) makes a reference to the criminal court complaint for his arrest, he did not include a copy of this document with his CCRB complaint. The narrative reads as follows:

“There was no crime committed nor was there a reliable source may it be witness, complaint, or victim of some sort of crime. On the above date, an unmarked car drove up on myself and three others. First question from [PO Asman] was “How can you afford a truck like this?” Driver let officer know he is a foreman for a construction company. She proceeded to ask for license and registration. Driver produced all paperwork. The vehicle was in no violation of provision of vehicle and traffic laws. There was no summons given for vehicle nor for alcohol which she tried to use as reason for a full-blown search, which is punishable by a fine. It doesn’t warrant a search of my person, maybe a frisk if she feel the need to check the car. Just for the purpose of her and her officers’ protection. Here’s a copy of the felony complaint enclosed. She clearly admitted to going into my pocket with no probable cause.”

**Complainant/Victim Testimony - § 87(2)(b)** (encl. # 6-6C)

§ 87(2)(b) was interviewed by the CCRB at Rikers Island on 11-12-03. He stated that on the evening of 8-19-03, he walked from a friend's house to a store at 119<sup>th</sup> Avenue and Sutphin Boulevard. He said that just before he got to the store, he saw plainclothes officers, including PO Asman, driving westbound on 119<sup>th</sup> Avenue in a black unmarked vehicle. After buying juice he saw § 87(2)(b) a friend of his who he had not seen in a while. § 87(2)(b) was seated in the passenger seat of a truck parked at the corner of 119<sup>th</sup> Street and Sutphin Boulevard and asked § 87(2)(b) to come inside and talk. § 87(2)(b) described the truck as a dark § 87(2)(b) Toyota Land Cruiser with tinted windows. Another friend of § 87(2)(b) s, § 87(2)(b) was in the driver seat. § 87(2)(b) was at first reluctant to stay in the area because he had seen the officers in the area, but he then entered the backseat of the truck, sat behind § 87(2)(b) and began talking with his friends. § 87(2)(b) stated that a brand new, unopened bottle of Hennessy was in between the driver and passenger seats, but added that no one in the car was drinking. A short time after he got in the truck, § 87(2)(b) saw the unmarked vehicle pull up.

PO Asman approached the driver side and asked § 87(2)(b) "How can you afford a truck like this?" § 87(2)(b) replied that "If you did the kind of work I do, you will be able to afford it too." PO Asman then said "You don't even look that old, how can you afford it?" § 87(2)(b) explained that he was the foreman and boss of a construction company. PO Asman requested § 87(2)(b) s driver license, which he provided, at which point she remarked that § 87(2)(b) was older than her and said something to the effect of "Oh, you've got me by six or seven years." § 87(2)(b) heard § 87(2)(b) make a statement to PO Asman's partner, later identified as Sergeant Norris, saying something to the effect of "Sarge, you know that's what I do, I come here and chill out after work." PO Asman then ordered all of them to exit the truck, at which point Sergeant Norris told her to take them out individually.

Sergeant Norris then ordered § 87(2)(b) out of the truck and searched him, taking his wallet out of his pocket and going through it. After that, PO Asman ordered § 87(2)(b) to exit, searched him and made him stand at the back passenger side of the truck. § 87(2)(b) did not see either man frisked. PO Asman then ordered § 87(2)(b) out of the car last and upon searching him, recovered a clear bag of crack cocaine in his right pants pocket. She handcuffed him and put him in the backseat of her unmarked car. From the unmarked car, § 87(2)(b) saw PO Asman thoroughly search the truck.

§ 87(2)(b) was transported to the 113<sup>th</sup> Precinct and taken into a bathroom, where two different plainclothes officers, later identified as POs Scott Carson and Donald Abrams, ordered him to remove all of his clothing and squat. During the strip-search, § 87(2)(b) heard the officers making sarcastic remarks. When he squatted, § 87(2)(b) heard one of them say "Nice cula" and talk about his "ass" and "nuts" and say things like "You watching nuts?" § 87(2)(b) was not sure which officer made those statements because his back was to the officers at the time.

**Victim Testimony - § 87(2)(b)** (encl. # 7-7C)

§ 87(2)(b) is a § 87(2)(b) -old black male. He is employed as a § 87(2)(b)

§ 87(2)(b) was interviewed at his residence in Queens on 1-28-04. He stated that on the evening of 8-19-03, he and his friend § 87(2)(b) came out of a liquor store and got into his boss's truck, a black 1999 Toyota Land Cruiser. § 87(2)(b) a friend of § 87(2)(b) s, arrived about twenty minutes later and got in the truck. § 87(2)(b) stated that he had a bottle of Hennessy hidden from view under the driver seat between his legs. The three men talked and began drinking from cups. About forty-five minutes after § 87(2)(b) entered the vehicle, § 87(2)(b) saw officers in an unmarked vehicle drive past the truck on 119<sup>th</sup> Avenue. When they came around again, they stopped behind the truck. PO Asman approached the driver side and

spoke to § 87(2)(b). She asked him who the truck belonged to. § 87(2)(b) said that the truck was his. PO Asman remarked that it was a nice truck and then asked § 87(2)(b) "You can afford a car like this?" § 87(2)(b) said that he could, at which point PO Asman said "I can't afford a car like this on my salary," seeming to imply that he was doing something illegal to pay for the truck. She then asked § 87(2)(b) what kind of work he did, to which he replied that he worked in construction. PO Asman then asked him for his license, registration and insurance card, which he provided. § 87(2)(b) could not recall her saying anything to § 87(2)(b) while he was inside the truck. The officers never requested identification from anyone else. PO Asman then asked § 87(2)(b) if she could search the truck. § 87(2)(b) replied that she could because he was not doing anything illegal. PO Asman's partner, later identified as Sergeant Norris, was speaking with § 87(2)(b).

PO Asman ordered § 87(2)(b) to exit the truck first. § 87(2)(b) complied and was frisked and his pockets were reached into. After he was searched, § 87(2)(b) was made to stand at the rear passenger side of the truck. Sergeant Norris then ordered § 87(2)(b) out of the truck and frisked him. At that point, PO Asman told § 87(2)(b) to exit and searched him. § 87(2)(b) then heard PO Asman say something to the effect of "We got one" and saw § 87(2)(b) being handcuffed. After § 87(2)(b) was placed into the unmarked car, PO Asman searched the front and the back of the truck, as well as the glove compartment, which took about twenty minutes.

§ 87(2)(b) stated that another police vehicle may have arrived during the stop, but those officers did not take part in anything. After PO Asman searched the truck, Sergeant Norris told § 87(2)(b) that he was lucky § 87(2)(b) did not put any of the drugs he possessed in the truck. PO Asman then said that he and § 87(2)(b) should leave the area.

§ 87(2)(b) and § 87(2)(b) stated that § 87(2)(b) had changed his residence since the incident and were unable to provide contact information for him.

### **Subject Officer Testimony**

*On 8-19-03, Sergeant George Norris was the supervisor of the 113<sup>th</sup> Precinct Street Narcotics Enforcement Unit, which consisted of Police Officers Rebecca Asman, Donald Abrams and Scott Carson. Since that date, Police Officer Abrams has been promoted to Sergeant and transferred to the 47<sup>th</sup> Precinct.*

### **Police Officer Rebecca Asman** (encl. # 9-9D)

PO Asman was interviewed at the CCRB on 11-21-03. She stated that on 8-19-03 at about 8:00 PM, she and Sergeant Norris were in their vehicle and were approaching the intersection of 119<sup>th</sup> Avenue and Sutphin Boulevard. PO Asman stated that that area is known by 113<sup>th</sup> Precinct officers as a high crime area, and that there have been numerous homicides and shootings on that block. PO Asman stated that she herself had made numerous narcotics arrests in that area. They did not receive a radio run regarding the truck, she and Sergeant Norris just happened by the truck while on routine patrol.

PO Asman first saw the truck to her right as she was driving on 119<sup>th</sup> Avenue. PO Asman slowed down and took a quick glance inside the truck through the side windows. 119<sup>th</sup> Avenue is a two-way street, but they were on the same side of the street as the truck so they were only a few feet away. PO Asman said that during that brief time, she saw three men inside the truck and that they were all drinking from plastic cups. She did not see a liquor bottle at that time, but PO Asman stated that the fact the men were drinking from cups automatically "signifies to us that they're drinking alcohol." She added, "There's no reason to be drinking out of a cup, unless you're in your home."

When asked if, at that point, she suspected the men in the truck as possibly being involved in the type of criminal activities she stated occur in that area, PO Asman replied that she and Sergeant Norris were not sure and they wanted to find out if they were. There were a lot of people standing on the street in and around that location, but none of them were next to the truck and no one on the street was speaking to anyone inside. PO Asman did not see anyone inside the car exchange anything with someone outside the car. PO Asman then drove around the block to give them an opportunity to leave the area, but when they drove back around the block, they had not left and were still drinking. PO Asman parked the patrol car directly behind the truck and approached the men.

PO Asman approached the driver side of the truck and asked the men what they were doing and what they were drinking. Her attention was almost immediately drawn to § 87(2)(b) because he was so “jumpy.” When asked to elaborate she replied that he was moving his shoulders back and forth and appeared to be putting something into his pants. The driver was also fidgeting with something and PO Asman saw an alcohol bottle in the console, which had a cap on it but was almost empty.

When asked if there was initially any conversation between her and § 87(2)(b) PO Asman replied, “Nothing...we really didn’t have a lot of conversation because I mean the arrest happened with § 87(2)(b) pretty quickly...” When asked whether § 87(2)(b) ever told her what he did for a living, PO Asman said that he told her he was in construction. PO Asman stated that when the man told her that, “I said ‘Oh, ok’ and then I told him, you know, he had a nice truck. It was a nice truck.” When asked to describe the truck, she replied “I really don’t remember, but I know it was nice. It was pretty.” PO Asman denied asking § 87(2)(b) “How can you afford a truck like this?” or anything to that effect. She did not recall asking him how much the truck cost and repeated that she was occupied with § 87(2)(b) PO Asman might have spoken to § 87(2)(b) about his age, but she denied making any remarks about how old he looked or about her age compared to his. PO Asman obtained § 87(2)(b)’s driver license, which was valid.

Since § 87(2)(b)’s furtive movements raised her suspicion, PO Asman asked him, “What are you doing back there?” When § 87(2)(b) did not respond, PO Asman asked him to step out of the vehicle for her safety. When § 87(2)(b) exited the vehicle, PO Asman observed a bulge in the right pocket of § 87(2)(b)’s pants and upon searching him she recovered a clear bag filled with 24 bags of crack cocaine. PO Asman then handcuffed § 87(2)(b) and placed him inside her unmarked vehicle.

PO Asman ordered § 87(2)(b) to exit the vehicle and frisked him. She did not recall removing anything from his pockets. Sergeant Norris ordered § 87(2)(b) to exit and frisked him. PO Asman did not see him search § 87(2)(b)’s pockets. § 87(2)(b) and § 87(2)(b) were cooperative and no contraband was found on them. PO Asman entered the truck to search for guns and additional narcotics. After PO Asman searched the vehicle, she told § 87(2)(b) and § 87(2)(b) to leave the area. PO Asman and Sergeant Norris transported § 87(2)(b) to the 113<sup>th</sup> Precinct where he was strip-searched in accordance with Department procedure. PO Asman could not identify the officers who strip-searched him.

PO Asman stated that she did not issue any summonses to the men for the alcohol they were drinking. She added, “We’re not a summons unit. We do not write summonses. If there was another unit there that would have liked to have written them summonses, that would have been their discretion.” PO Asman did not complete UF-250s regarding the questioning and frisk of § 87(2)(b) and § 87(2)(b). When asked why they were not completed, PO Asman replied “It probably slipped my mind.”

According to PO Asman, § 87(2)(b) pled guilty to § 87(2)(b) in connection with his arrest.

**Sergeant George Norris** (encl. # 11-11C)

Sergeant Norris was interviewed at the 113<sup>th</sup> Precinct Stationhouse on 2-6-04. § 87(2)(b) Sergeant Norris has made hundreds of arrests in and near the vicinity of Sutphin Blvd. And 119<sup>th</sup> Avenue. Sergeant Norris said that PO Asman slowed down the vehicle as they passed the SUV occupied by § 87(2)(b) and the others. As they passed by, Sergeant Norris observed three people in the truck and saw one of the men in the front seat drinking from a liquor bottle. That was the only illegal act that he had observed at that point. Sergeant Norris added, "It wasn't a point of suspicion at this point. It was just a violation of law was being committed." He could not recall observing the men holding cups. He did not see anyone approach the truck or engage in a hand to hand transaction with anyone inside.

After driving around the block, the officers pulled up behind the vehicle. As they approached, Sergeant Norris observed the men inside take actions that led him to fear that a weapon was in the vehicle. He saw § 87(2)(b) and § 87(2)(b) who were in the front seat, turn toward § 87(2)(b) who was in the backseat. § 87(2)(b)'s actions aroused Sergeant Norris' suspicion the most because he was moving around even more, shielding his body and motioning with his hands around his waistband area. According to Sergeant Norris, § 87(2)(b) "was obviously trying to conceal something." Sergeant Norris feared that § 87(2)(b) possibly possessed a weapon, so he focused most of his attention on him and pointed a flashlight at him to get a better view of what he was doing. Sergeant Norris could not recall whether the vehicle had tinted windows.

PO Asman spoke to § 87(2)(b). Sergeant Norris did not hear any part of that conversation. When the officers approached the two men in the front stopped moving around, but § 87(2)(b) continued to do so. To his knowledge, PO Asman never asked the driver "How can you afford a truck like this?" Upon approaching the vehicle, Sergeant Norris did not see the alcohol bottle that he had seen when he first passed the SUV. He also said that, in hindsight, the movements he saw the men making as they approached probably were attempts to hide the bottle. When asked if he or PO Asman ever asked the men about the alcohol they had observed, Sergeant Norris replied, "Once again, uh, conversation was not, you know, what was going on now. There was an imminent threat with this man moving around so I'm sure there was no conversation asking about alcohol when we fear our safety may be in jeopardy." However, Sergeant Norris then confirmed that the observation of alcohol was the initial reason for the stop. When asked whether he smelled alcohol, Sergeant Norris replied that he did not remember.

About five or ten seconds after they approached the truck, PO Asman took § 87(2)(b) out of the backseat. Sergeant Norris told the two men in the front to keep their hands on the dashboard. Sergeant Norris then realized that PO Asman was handcuffing § 87(2)(b). PO Asman informed him that she had recovered narcotics from § 87(2)(b).

PO Asman then ordered § 87(2)(b) to exit, frisked him and ordered him to step to the back of the truck. Sergeant Norris did not see PO Asman search him. At that point, Sergeant Norris took § 87(2)(b) out and frisked him for a weapon. He denied reaching into the passenger's pockets. Sergeant Norris said that the two men in the front were not searched because they were not under arrest, however their suspicious movements justified a frisk for weapons. When no weapons were found on the men, they no longer had any basis to believe they possessed contraband.

After the two men were frisked, PO Asman searched the truck and recovered no contraband besides a liquor bottle. Sergeant Norris did not recall seeing cups inside the truck. PO Asman asked him if they should write the men summonses for the alcohol and he told her no. He explained that since officers are often immediately suspended when prisoners escape, he did not want to be distracted by writing summonses when they had a felon who possessed a large amount of narcotics in custody. He added that a crowd of people had gathered to watch the incident by that time, so he wanted to leave the scene.

Sergeant Norris and PO Asman explained to § 87(2)(b) and § 87(2)(b) why they had been stopped and issued them a warning for the alcohol infraction. They then put § 87(2)(b) in their unmarked vehicle and left the scene. Sergeant Norris is not aware whether UF-250s were prepared in connection with the frisk of § 87(2)(b) and § 87(2)(b).

Sergeant Norris authorized the strip-search of § 87(2)(b) at the 113<sup>th</sup> Precinct. POs Abrams and Carson conducted the search. Sergeant Norris stated that no discourteous remarks were made to § 87(2)(b) and added that nothing was said to him besides the routine commands a prisoner is issued during a strip-search.

**Sergeant Donald Abrams** (encl. # 12-12A)

Sergeant Abrams was interviewed at the CCRB on 2-20-04. On 8-19-03, he was a police officer assigned to the 113<sup>th</sup> Precinct. He said that he recognized § 87(2)(b)'s 8-19-03 arrest photograph because he is known as a drug dealer by SNEU officers and on 8-19-03, Sergeant Norris directed him to assist in strip-searching § 87(2)(b). Sergeant Abrams escorted § 87(2)(b) to the prisoner bathroom, where strip-searches are conducted in the 113<sup>th</sup> Precinct stationhouse. The strip-search was conducted according to procedure, which usually means that the prisoner is ordered to take his shoes off, then remove all of his clothing piece by piece from top to bottom. As the prisoner removes the articles of clothing, the officers search the items for hidden narcotics. Sergeant Abrams stated that he would not have spoken to Sergeant Norris or PO Carson during the strip-search and denied making any comments about § 87(2)(b)'s body. Sergeant Abrams stated that neither he nor PO Carson nor Sergeant Norris ever said "You watching nuts?" or "Nice culo" or anything to that effect while they were strip-searching § 87(2)(b) and that they were not laughing either. § 87(2)(b) was cooperative and did not make any statements while he was being strip-searched.

**Police Officer Scott Carson** (encl. # 14-14A)

PO Carson was interviewed at the CCRB on 2-24-04. He stated that on 8-19-03, he and Sergeant Abrams, then a police officer, conducted a strip-search under the supervision of Sergeant Norris. PO Carson did not specifically recall assisting with the strip-search of § 87(2)(b) on that day and did not recognize § 87(2)(b)'s arrest photograph.

**Police Documents**

The 8-19-03 arrest photograph of § 87(2)(b) is enclosed in the file. (encl. #15)

The 113<sup>th</sup> Precinct Command Log entry pertaining to § 87(2)(b)'s arrest (encl. # 16) indicates that Sergeant Norris verified the arrest and authorized a strip-search.

The online booking sheet for § 87(2)(b) (encl. # 17-17B) indicates that he was arrested on 8-19-03 at 8:00 PM in front of 119-02 Sutphin Boulevard on charges of § 87(2)(b). The narrative states "Defendant was found in possession of crack cocaine over one-eighth of an ounce." PO Asman is listed as the arresting officer.

Voucher # § 87(2)(b) prepared by PO Asman in connection with § 87(2)(b)'s arrest, is for one clear bag containing 24 smaller bags of crack cocaine. Voucher # § 87(2)(b) is for five clear bags containing white pills. Voucher # § 87(2)(b) is for US currency of various denominations, totaling \$467.00 (encl. # 19-19B).

The 113<sup>th</sup> Precinct Tour 3 Roll Call for 8-19-03 (encl. # 20-20I) indicates that Sergeant Norris and Police Officers Asman, Carson and Abrams were all assigned to the Street Narcotics Enforcement Unit.

### **Prior Bad Acts**

§ 87(2)(b) [§§ 86(1)(3)&(4)] [§ 87(2)(c)]

PO Asman has two prior CCRB cases on her record (encl. # 2) over seven years on the force, neither of which was substantiated.

Sergeant Norris has fifteen prior CCRB cases on his record (encl. # 3-3A) and has been an officer for sixteen years. Allegations of detaining and searching civilians as well as searching their vehicle without proper legal cause were substantiated in case # 9605290; Sergeant Norris received a command discipline. Force and abuse of authority allegations were substantiated in cases # 9701332 and # 200103530; charges were recommended but both cases were later dismissed. In case # 200107065, Sergeant Norris was received a command discipline for an unlawful vehicle search.

Sergeant Abrams has six prior CCRB cases on his record (encl. # 3B) and has been on the force for five years. He was cited for other misconduct for a false official statement in case # 200207319. The panel concurred and recommended charges.

PO Carson has seven prior CCRB cases on his record (encl. # 3C-3D) and has been an officer for over eight years. Allegations of physical force and a search were substantiated in case # 200103530, but charges were subsequently dismissed. Allegations of discourtesy and racially offensive language were substantiated in another case, # 200000798. The panel recommended charges and in an ensuing OATH trial PO Carson was found guilty and suspended from duty for fifteen days.

### **Conclusions and Recommendations**

It is undisputed that PO Asman and Sergeant Norris approached and questioned § 87(2)(b) and § 87(2)(b) while they were sitting in a vehicle parked at the corner of 119<sup>th</sup> Avenue and Sutphin Boulevard. Alcohol was present inside the vehicle. The three men were removed from the vehicle individually and were all either frisked or searched. Narcotics were recovered from § 87(2)(b) and he was subsequently placed under arrest and transported to the 113<sup>th</sup> Precinct, where he was strip-searched by POs Carson and Abrams under the supervision of Sergeant Norris.

§ 87(2)(g)

#### **A. Abuse of Authority: Sergeant George Norris supervised the questioning and stop of § 87(2)(b) and § 87(2)(b)**

PO Asman and Sergeant Norris gave their observation of the men drinking in the vehicle as one of the primary reasons for stopping them. § 87(2)(b) PO Asman stated that her observation of the men drinking from cups in a vehicle as they drove past was an immediate indication that they were consuming alcohol. § 87(2)(g)



§ 87(2)(g) PO Asman stated that she did not see a liquor bottle until she approached the vehicle. However, when Sergeant Norris was interviewed two months after PO Asman, he stated that he saw one of the men drinking straight from a bottle. § 87(2)(g)

§ 87(2)(g) Sergeant Norris, who testified that he had to use a flashlight to get a clear view of § 87(2)(b) in the back seat of the vehicle. § 87(2)(g)

Kamins' *New York Search and Seizure* addresses stops of civilians inside stationary or parked vehicles by indicating that "...an approach...is analogous to an officer's approach of a citizen on the street to request information. Because there need not be any indicia of criminality, the officer's questions must be basic and non-threatening...the officer is permitted to ask questions concerning the driver's identity, address and destination and can inquire the driver to produce identification. If the officer escalates the encounter by restraining the occupants of the car, the individuals have been 'seized' and the officer's action must then be based on reasonable suspicion."

§ 87(2)(g)

PO Asman and Sergeant Norris testified that when they approached the vehicle all three men, especially § 87(2)(b) were moving around in a furtive manner. § 87(2)(g)

§ 87(2)(g)

**B. Abuse of Authority: Sergeant George Norris frisked § 87(2)(b) and authorized the frisk of § 87(2)(b) and § 87(2)(b)**

**C. Abuse of Authority: Police Officer Rebecca Asman searched § 87(2)(b) and § 87(2)(b)**

**D. Abuse of Authority: Sergeant George Norris authorized the search of the vehicle in which § 87(2)(b) and § 87(2)(b) were occupants.**

Kamins' analysis of stationary car stops by police notes that "...furtive movements by the driver and passengers will justify an approach. However, such movement, absent other circumstances will not justify a reasonable suspicion of criminal activity." § 87(2)(g)

§ 87(2)(g) PO Asman characterized § 87(2)(b) as immediately "jumpy", said that he seemed to be putting something down his pants and so, after speaking to § 87(2)(b) for a few seconds, she decided to have § 87(2)(b) exit the vehicle for her own safety. Sergeant Norris states that the furtive movements by the occupants occurred as he and PO Asman were approaching the vehicle, and added that he believed the civilians were trying to hide the bottle of liquor when they noticed officers approaching.

§ 87(2)(g) Both officers testified that after they approached the vehicle, § 87(2)(b) was quickly removed and frisked, at which point PO Asman recovered the narcotics from his person and placed him under arrest. However, § 87(2)(b) stated that he was last to be ordered out of the vehicle, testimony that was confirmed by § 87(2)(b) § 87(2)(g)

Though the administrative case *PD v. Mante* (2000) involves the stop of a moving vehicle, there are some key similarities to this case. The respondent officer, who was assigned to the Manhattan North Street Crime Unit stopped a vehicle after he observed the driver commit a moving violation. The officer testified that upon witnessing the two occupants make "furtive" movements, he searched the two civilians in the vehicle and then the vehicle itself. However, when the officer asked why he did not issue the driver any summonses for the alleged traffic violation, he replied that that was "not our primary function." In finding the officers guilty of misconduct, the Administrative Law Judge ruled that his "use of the term 'furtive' came across as a legal conclusion designed to justify their actions." § 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

*PD v. Dowd and Rose* (1990), where an administrative law judge ruled:

“An officer who acts with less than reasonable care about the constitutional rights of the citizenry cannot complain that those actions are being second-guessed...An officer is charged to know the law governing searches and seizures, at least to the extent that the law is clear enough to be free from clear dispute about its applicability and meaning. Failure to act in accordance with clear law will generally be presumed to involved fault...The more clearly improper a search or seizure appears, the more easily a fact finder will infer fault by the officer conducting a search or seizure.”

§ 87(2)(g)

**E. Discourtesy: Police Officer Donald Abrams spoke obscenely and/or rudely to**

§ 87(2)(b) inside the 113<sup>th</sup> Precinct Stationhouse.

**F. Discourtesy: Police Officer Scott Carson spoke obscenely and/or rudely to § 87(2)(b)**  
inside the 113<sup>th</sup> Precinct Stationhouse.

§ 87(2)(g)

§ 87(4-b) § 87(2)(g)

Investigator:

Date:

Supervisor:

Date:

Reviewed by:

Date:

Reviewed by:

Date: